United Nations A/HRC/33/14

General Assembly

Distr.: General
13 July 2016

Original: English

Human Rights Council
Thirty-third session
Agenda item 6
Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Swaziland

* The annex is being circulated in the language of submission only.

GE.16-11946(E)
1611946

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Contents

		Page
	Introduction	3
I.	Summary of the proceedings of the review process	3
	A. Presentation by the State under review	3
	B. Interactive dialogue and responses by the State under review	6
II.	Conclusions and/or recommendations	13
Annex		
	Composition of the delegation	26

Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-fifth session from 2 to 13 May 2016. The review of Swaziland was held at the 13th meeting on 10 May 2016. The delegation of Swaziland was headed by Edgar Hillary, Minister of Justice and Constitutional Affairs. At its 20th meeting, held on 13 May 2016, the Working Group adopted the report on Swaziland.

2. On 12 January 2016, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Swaziland: Côte d'Ivoire, Cuba and United Arab Emirates.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Swaziland:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/25/SWZ/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/25/SWZ/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/25/SWZ/3).

4. A list of questions prepared in advance by Germany, Liechtenstein, Mexico, Norway, Slovenia, Spain and the United Kingdom of Great Britain and Northern Ireland was transmitted to Swaziland through the troika. These questions are available on the extranet of the universal periodic review.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The Minister of Justice and Constitutional Affairs, Edgar Hillary, introduced the national report of Swaziland and presented it to the Working Group. It was indicated that the Government had introduced a number of measures aimed at safeguarding the lives and livelihoods of the poor and of vulnerable groups while at the same time keeping intact mechanisms to accelerate economic growth and recovery. Innovative programmes that targeted vulnerable groups had been put in place to réctify social imbalances and meet the pre-set targets of the Millennium Development Goals.

6. The delegation noted that the national report had been the result of a process that had involved setting up a multi-stakeholder committee tasked with collecting and collating data, holding consultations and conducting the verification process. That committee was chaired by the Ministry of Justice and included several ministries, academia, and non-governmental and civil society organizations. Following the appointment of the committee, a workshop had been held, facilitated by the Regional Office for Southern Africa of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations country team, which had provided an opportunity for stakeholders to reflect on the universal periodic review process and discuss national experiences and progress made with respect to the recommendations.

7. The delegation recalled that the 2005 Constitution established an independent Commission on Human Rights and Public Administration with a mandate to investigate complaints concerning alleged violations of human rights and fundamental freedoms. The delegation provided details regarding the current work of the Commission and progress made to ensure that it had sufficient resources. It noted that the Commission had developed a five-year strategy and was working on the Human Rights and Public Administration Bill 2011 to ensure full adherence to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), as accreditation by the Global Alliance of National Human Rights Institutions (formerly known as the International Accreditation Committee) was one of its priorities for 2016.

8. The delegation underscored that Swaziland had enacted comprehensive protective legislation for children in 2012 (Child Protection and Welfare Act 2012). That legislation sought to provide protection for children from abuse and to promote their welfare and best interests. Additionally, the Act recognized emerging challenges brought on by a high HIV prevalence, leading to many children being orphaned, and incorporated international instruments on child rights into domestic law.

9. Furthermore, the Government had ensured free primary education for all Swazi children, as enshrined in the Constitution and the Free Primary Education Act, 2012. Even though secondary education was still not free, the Government supported vulnerable children by paying their fees through a grant under the Deputy Prime Minister's portfolio. The delegation provided information on improvements in enrolment rates, indicating that Swaziland was on track to achieve universal primary education as specified by Millennium Development Goal 2.

10. Regarding the promotion of gender equality and the empowerment of women, the delegation noted that, in addition to the ratification of the Convention on the Elimination of Discrimination Against Women, the country had undertaken commitments under a number of other instruments, including the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. The Deeds Registry Act had been amended in 2012 to give effect to the right of women married in community of property to own land and have it registered in their own names. Additionally, the Sexual Offenses and Domestic Violence Bill seeks to address all forms of sexual violence against women and children. As the previous Parliament had been dissolved in 2013, before the bill had been promulgated into law, the bill had lapsed and the process would be started anew. Nonetheless, the Government was making all efforts necessary to accelerate its enactment by Parliament.

11. Additionally, the Government had made significant strides in policy and legislative reform in addressing the challenges of gender-based violence, as evidenced by the approval of the national gender policy of 2010 and the enactment of the People Trafficking and People Smuggling Act. The delegation noted that, in 2013, the High Court had declared the common-law rule that married women had no capacity to litigate without the assistance of their husbands to be inconsistent with the constitutional right to equality.

12. On the rights of refugees, the delegation indicated that the Ministry of Home Affairs was responsible for protecting refugees and asylum seekers. The Ministry had a refugees department that formed part of a tripartite team, which included the Office of the United Nations High Commissioner for Refugees (UNHCR). Additionally, the Government had drafted a refugees bill, which would give effect in domestic law to the 1951 Convention relating to the Status of Refugees and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa. The delegation provided details of measures taken to protect refugees in the country.

13. The delegation noted that the Constitution guaranteed the right to freedom of expression, including the right to a free media, subject to respect for the dignity of others. It also noted the existence of a number of privately owned media outlets and indicated that, in order to liberalize the media space, the Government had enacted the Swaziland Communications Commissions Act. That Act had established a communications commission, which would license community and commercial radio and television stations.

14. The delegation stated that the electoral process and the participation of political parties was governed by section 79 of the Constitution, which had been further interpreted by the Supreme Court in a case decided in 2009. Although the Supreme Court had pronounced that political parties were not allowed to field candidates, members of such parties could participate based on individual merit. The current Parliament, for example, had members who had been elected based on individual merit who were members of political parties.

15. The delegation indicated that the Public Order Act, 1963, which regulated the organization of peaceful assemblies, was under review. The Government had drafted a new public order bill, which would repeal the current Act. The bill would guarantee freedom of peaceful assembly and expression, and provide for, among other things, notification and consultation in respect of public gatherings and regulation of the powers of the police during public gatherings. The bill would also do away with the requirement that organizers of a public meeting or public gathering must obtain a permit from the police. Conveners of meetings or gatherings would still have to give the police prior notice.

16. Since the previous review, progress had also been made towards addressing challenges within the judiciary and enhancing its efficiency. The delegation noted that a legal aid policy had been formulated with the support of United Nations Development Programme and that a legal aid bill, aimed at improving access to justice for the indigent, had been drafted. Moreover, in 2015, the judiciary had recruited four additional high court judges to address the backlog of cases in the courts.

17. The delegation underscored that the Constitution guaranteed the independence of the judiciary, and that the Government respected and upheld that guarantee and did not interfere with judicial officers in the discharge of their functions. It noted that the tenure of judges was secure.

18. The country had made substantial progress in ensuring access to safe drinking water by the population. The proportion of persons with access to safe drinking water had increased from 56.4 per cent in 1997 to 72.4 per cent in 2014. The delegation observed that improvements had been observed in both rural and urban areas. Additionally, as of 2014, the proportion of the population estimated to have access to electricity was 65 per cent.

19. The delegation noted that the Suppression of Terrorism Act was under review. To that end, the Government had drafted the Suppression of Terrorism (Amendment) Bill, 2013. The intention behind the amending the Act was to bring legislation into line with the Constitution and the country's international obligations. A key feature of the amendment would curtail the broad definition of "terrorist act", ensuring that the provision was not unduly applied to activities that were not terrorist acts. The delegation indicated that the bill had been tabled before Parliament under a certificate of urgency and that the legislature had invited the public to make comments on its content.

20. The delegation referred to a number of developments regarding access to health care. It noted that there had been an increase in the number of persons with access to antiretroviral therapy due to the introduction of immediate access to such therapy and treatment for pregnant and breastfeeding mothers. By the end of 2014, there were 125,421 persons on antiretroviral therapy, with 7,906 (6 per cent) of those being children under 14 years of age. With an increase in the number of persons on antiretroviral therapy, a key

priority for the Ministry of Health was to ensure that there was a minimal number of deaths of persons on such therapy. The number of HIV-infected infants born to HIV-positive mothers had continued to decrease, from 16.4 per cent in 2011 to 9.17 per cent in 2014, with a target of 5 per cent in 2018. There had also been an increase in the proportion of children having access to HIV testing as early as six weeks, and the coverage rate had reached 81 per cent. The Government remained committed to financing the procurement of antiretroviral drugs, providing approximately 90 per cent of the budget for such drugs.

21. The delegation highlighted that the response of Swaziland to malaria had been very effective and that the country had been recognized for its leadership and efforts in malaria response by the African Union certification of that it was on track to eliminate malaria by 2018. Moreover, a strategic plan for the period 2015-2020 had been developed to guide the country after it achieved elimination of malaria up until certification by the World Health Organization in 2018 and beyond. The delegation noted that both the incidence and death rates from malaria in the country had dropped significantly as the country drew closer to the elimination of the disease. The delegation then provided detailed information on the main factors and government action that had contributed to that success.

22. In conclusion, the delegation stated that it continued to be committed to its international human rights obligations and was dedicated to ensuring that the human rights of its people were respected. However, the delegation noted that a shortage of personnel and financial resources hindered the compilation and analysis of data, in particular with regard to the preparation of outstanding State party reports, and acknowledged the need for technical assistance in that regard.

B. Interactive dialogue and responses by the State under review

23. During the interactive dialogue, 69 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

24. Uruguay appreciated the ban on the use of corporal punishment as a penalty for minors, as well as the work towards establishing positive discipline methods at the educational and family levels.

25. The Bolivarian Republic of Venezuela noted the free primary education programme. It welcomed the launch of the HIV/AIDS programme and the malaria prevention programme, as well as the efforts to address the problems of gender-based violence through legislative reform.

26. Zimbabwe noted the enactment of the People Trafficking and People Smuggling Act and the Child Protection and Welfare Act. Zimbabwe also noted that free primary education had been introduced in line with the Free Primary Education Act. It urged Swaziland to work to improve its treaty body reporting obligations.

27. Algeria welcomed the measures taken to promote human rights, in particular those relating to the fight against torture, independence of the judiciary, improved access to health, child protection, women's rights and gender equality.

28. Angola welcomed the progress made in the area of health, particularly the reduction in the number of HIV/AIDS cases, especially cases among children, and the fight against malaria, as well as legislative reforms.

29. Argentina welcomed the ratification of the Convention on the Rights of Persons with Disabilities.

30. Armenia appreciated the measures taken to improve transparency in the recruitment of judicial officers. It noted that the enrolment rate at the secondary level was extremely low due to its prohibitive costs, adolescent pregnancy and violence in and around schools.

31. Australia expressed concern about the restrictions placed on the freedoms of association and assembly, the prevalence of violence against women and girls, and the anomalies in nationality laws and their apparent inconsistency with the Constitution, which presented a high risk of statelessness. Australia urged Swaziland to invite the special rapporteurs of the Human Rights Council to visit.

32. Botswana commended Swaziland for the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and for training for judicial and law enforcement officials, with an emphasis on the handling of children during court cases. It noted reports of gender inequality, high rates of violence against women and children and incidents involving attacks on and killings of people with albinism.

33. Brazil noted the implementation of the free primary education programme, and the fight against HIV/AIDS. It also noted the challenges still faced, such as discrimination against people with albinism, the rights of children and adolescents, forced labour and freedom of expression and assembly.

34. Burkina Faso urged Swaziland to overcome financial obstacles in the education sector to guarantee without discrimination quality education for all children, ensure better prevention of HIV/AIDS, improve its cooperation with the treaty bodies and provide the National Human Rights Commission with the necessary human and financial resources for it to completely fulfil its mandate.

35. Burundi welcomed the elimination all forms of discrimination against women in law and in practice, and human rights education programmes for the judiciary, law enforcement, penitentiary officials and security forces, as well as measures to combat corruption and to promote the rights to health and education.

36. Cabo Verde noted that Swaziland had acceded to a number of important human rights treaties. It observed that the main challenge faced seemed to relate to the country's capacity to translate international instruments and commitments more expeditiously into domestic law.

37. Canada acknowledged the adoption of the Children's Welfare and Protection Act, calling on the Government to fully implement it and to amend the Marriage Act of 1964 to harmonize the minimum age of marriage at 18 years of age.

38. The Central African Republic welcomed the implementation of the law on sexual and domestic violence. It encouraged further measures to end discriminatory cultural practices through the application of a national policy that ended stigmatization of and discrimination against people living with HIV/AIDS and guaranteed orphans and vulnerable children access to health services and education.

39. Chad took note of the establishment of a human rights commission. It welcomed the ratification by Swaziland of a number of regional and international human rights instruments and measures aimed at prohibiting corporal punishment and protecting children from violence.

40. The Congo welcomed progress made since the first universal periodic review. It noted that Swaziland had established a human rights commission with a mandate to protect and promote human rights, and had ratified a number of international human rights instruments.

41. Côte d'Ivoire welcomed progress made in the implementation of recommendations from the first review. It highlighted legal, institutional and administrative reforms to ensure the promotion and protection of human rights, in accordance with the country's international obligations.

42. Cuba highlighted actions undertaken to improve gender equality and the provision of human rights training to law enforcement and judicial officials. It called on the international community to support Swaziland with regard to the technical assistance and capacity-building needs identified in its national report.

43. Cyprus welcomed the ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, as well as the 2014 extended national strategic framework on HIV/AIDS. It remained concerned about existing gender-based discrimination and violence against women, in particular in rural areas.

44. The Czech Republic warmly welcomed the delegation of Swaziland and the information provided.

45. Denmark noted that Swaziland had accepted recommendations during the first review to ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and welcomed ongoing efforts in that regard. It asked about prospects for approval of the instrument by Parliament.

46. Djibouti was concerned about constitutional provisions that prevented children born to Swazi women and foreign fathers from obtaining nationality. It welcomed measures to ensure universal primary education but was concerned about social barriers that prevented young pregnant girls from continuing their education after giving birth.

47. Egypt welcomed efforts in the legislative sphere and the ratification of international human rights instruments, such as the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and commended action to combat HIV/AIDS. It urged Swaziland to pursue and strengthen work within the education sector, in particular secondary education.

48. Equatorial Guinea welcomed the establishment of the Human Rights Commission, the policy for the protection of children and initiatives for the promotion of gender equality. It invited the international community to provide technical and capacity-building assistance to Swaziland.

49. Ethiopia expressed appreciation for the enhancement of the legal framework for the protection of human rights, including for the full functioning of the Commission on Human Rights and Public Administration. It encouraged Swaziland to continue implementing policies on education, health and other sectors, leading to environmental sustainability.

50. France took note of measures taken by Swaziland since the first review, notably the ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocols to the Convention on the Rights of the Child. France asked the delegation to provide information on reforms foreseen to strengthen the independence of the judiciary.

51. Germany expressed concern about the human rights situation, in particular with regard to negative trends in the areas of freedom of expression and freedom of the press. It noted that political parties were still not able to participate in elections.

52. Ghana commended Swaziland for implementing recommendations of the first review, in particular the ratification of some international human rights instruments. It shared the concern of the United Nations country team in Swaziland regarding the high prevalence of HIV/AIDS.

53. Guatemala acknowledged the ratification of various international instruments and the establishment of the Human Rights and Public Administration Commission, which attested to the State's commitment to promoting and protecting human rights.

54. Haiti took note of the second national report of Swaziland and welcomed the ratification of international instruments on the rights of the child and the rights of refugees.

55. Honduras noted with satisfaction the progress that had been achieved by Swaziland in implementing the recommendations received during the first review. It underscored in particular the accession of Swaziland to various human rights instruments such as the Convention on the Rights of Persons with Disabilities and the two Optional Protocols to the Convention on the Rights of the Child.

56. Indonesia welcomed the progress achieved since the first review cycle. It commended the efforts made by Swaziland to promote and protect human rights through, inter alia, the ratification of international human rights instruments, as well as by strengthening education and health programmes.

57. Italy congratulated Swaziland for its measures taken to protect children, such as the adoption of the Child Protection and Welfare Act, and the attention devoted to the health sector. It welcomed the establishment of domestic violence and victim support centres in police stations.

58. Kenya congratulated Swaziland for implementing recommendations received during the first review cycle, noting the establishment of the Human Rights and Public Administration Commission. It also noted the ratification and implementation of several core international and regional human rights instruments.

59. Latvia appreciated the efforts of Swaziland to ensure free primary education, improve the prevention of HIV/AIDS and promote gender equality. It noted that Swaziland had fallen short in ensuring that journalists, political activists and human rights defenders were not hindered in their work.

60. Libya commended the implementation of policies to improve the quality of life of all citizens, the free primary education programme for all school-age children and the programme to combat HIV/AIDS, as well as the provision of antiretroviral therapy to pregnant and breast-feeding women.

61. Madagascar welcomed the strengthening of the legal and institutional framework for the promotion and protection of human rights through several programmes and reforms. It encouraged Swaziland to continue its efforts to undertake other reforms to promote and protect human rights.

62. The delegation then replied to questions sent in advance and issues raised during the dialogue.

63. With regard to human rights violations by the security forces, the delegation stated that, whenever members of the security forces were suspected of perpetrating human rights violations, an inquiry was opened and, when there was evidence that an offence or violation had been committed, members were prosecuted before the courts. The outcomes of inquiries into human rights violations by security forces, such as deaths in custody, had always been made public.

64. With regard to steps taken to align domestic laws with the Convention on the Elimination of All Forms of Discrimination against Women, the delegation stated that Swaziland was considering establishing a law reform commission to conduct research and make recommendations concerning the development and reform of the law. Several laws to fight against discrimination against women already existed, but some inequalities persisted in practice and in certain laws, such as those which foresaw that women's access to

economic resources would be mediated through their husbands. The delegation provided details on existing institutions and policies adopted in that regard.

65. On women's participation in politics, the delegation indicated that Swaziland was developing a national strategy on that issue. It was recalled that the Constitution contained provisions to ensure that women constituted 30 per cent of representatives in Parliament.

66. With regard to early marriage, the delegation recalled that Swaziland had enacted the Child and Protection and Welfare Act, which endeavoured to eliminate all harmful practices and enhance protection of the girl child from such practices, and provided that a woman should not be compelled to undergo or uphold any custom to which she was opposed. The delegation also highlighted that the Constitution guaranteed equal treatment of men and women, and the rights of married women, abolishing the practice of inheritance through the system of patriarchy.

67. With regard to questions on how Swaziland had followed up on the implementation of accepted universal periodic review recommendations, the delegation indicated that, immediately after the previous review, an interministerial committee had been set up to address implementation of those recommendations, among other things. Details regarding its functioning were provided. The delegation indicated that Swaziland was seeking the assistance of the international community in the implementation of a fully fledged secretariat under the Ministry of Justice and Constitutional Affairs to coordinate the activities of that committee.

68. On sexual minorities, the delegation stated that Swaziland did not deny access to services based on an individual's sexual orientation. The delegation indicated that, though there would be no efforts at the present stage to decriminalize same-sex relations, Swaziland did not prosecute anyone for engaging in consensual same-sex relations.

69. With regard to the issue of stigmatization of persons living with HIV, the delegation indicated that both the national multisectoral strategic framework for the period 2014-2018 and the Code of Good Practice on Industrial Relations addressed the issue of discrimination, along with other issues.

70. Regarding the juvenile justice system, the delegation indicated that child-friendly courts had been established in three of the country's regions. It provided details on their procedures and on provisions in the Child and Protection and Welfare Act aimed at protecting children during proceedings.

71. On overcrowding in prisons, the delegation stated that this was a general international problem and that Swaziland had made every effort to ensure that the living standards of prisoners in Swaziland were of high quality.

72. On education, it was highlighted that, despite its small economy, Swaziland paid for tertiary education, which many countries did not. However, once people had completed their education and were employed, they were required to reimburse a part of the amount paid by the State.

73. Malaysia noted the new legislation enabling women to own property and addressing domestic violence against women and children. Malaysia welcomed the adoption of a comprehensive framework on HIV and AIDS and noted the increased enrolment of children in schools.

74. Maldives welcomed the 2012 Child Protection and Welfare Act, which focused on prevention of abuse and on universal primary education. It recognized progress made by Swaziland in ensuring access to safe drinking water for its people.

75. Mali welcomed the ratification of several international and regional human rights instruments, particularly those concerning children. It noted the strategy to eradicate malaria in 2015 and significant progress in ensuring free primary education and increased access to antiretroviral drugs to treat HIV/AIDS.

76. Mauritania welcomed the poverty eradication policy and the universal free primary education programme. It noted the significant progress achieved in ratifying human rights instruments and encouraged Swaziland to continue efforts to bring national legislation into line with its international human rights obligations.

77. Mauritius welcomed the ratification of several conventions and protocols and progress made in fulfilling reporting obligations. It congratulated Swaziland for nearly eliminating malaria and taking positive steps towards the prevention of HIV and AIDS.

78. Mexico welcomed the revision of legislation to recognize women's rights to access, register and own land. It considered highly positive the abolition of corporal punishment against children in the Child Protection and Welfare Act and urged Swaziland to continue efforts to abolish it in all areas.

79. Montenegro asked about steps undertaken to prevent and eliminate abuse and sexual violence against girls in schools and ensure that perpetrators were punished. It also requested information about legal measures taken to eliminate child, early and forced marriage and to eliminate polygamy.

80. Morocco welcomed the ratification of the Convention on the Rights of Persons with Disabilities and the United Nations Convention against Transnational Organized Crime, and congratulated Swaziland on achievements towards fulfilling Millennium Development Goal 2 on primary education. It encouraged Swaziland to consolidate its efforts on judicial reform and the fight against corruption.

81. Mozambique warmly welcomed new laws and institutions leading towards the achievement of Millennium Development Goal 2 on primary education, eliminating malaria and increasing access to safe drinking water. It appealed to the international community to provide technical assistance and capacity-building for Swaziland.

82. Namibia commended the provision of small financial grants to older persons and efforts to improve the lives of women with disabilities and widows, and was pleased to take note of the adoption of the extended national strategic framework on HIV/AIDS for the period 2014-2018.

83. The Netherlands commended the strong commitment to ending HIV/AIDS and welcomed commitments made in the previous review cycle. Nonetheless, it expressed concern that insufficient steps had been taken relating to civil society space and the prosecution of human rights violations.

84. The Niger welcomed the ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol. It noted with satisfaction the legislation giving effect to women's rights to register and own land and addressing sexual and domestic violence, as well as the national multisectoral strategic framework for HIV and AIDS for the period 2009-2014.

85. Nigeria commended broad consultations with stakeholders on the review process and the establishment of new institutional frameworks to promote human rights, as well as the ratification of a number of human rights instruments and measures on HIV/AIDS.

86. Norway expressed concern about reports of continued harassment and persecution of political opponents and human rights defenders, challenges faced by trade union confederations in obtaining registration, severe restrictions on political groupings, forceful disruptions of peaceful gatherings and lack of legal protection of women victims of abuse.

87. Pakistan expressed appreciation for efforts made by Swaziland to implement recommendations from the first review cycle. It noted positively the new institutional framework to promote human rights and commended the ratification of international human rights instruments.

88. Panama welcomed the adoption of the Child Welfare and Protection Act and the implementation of programmes to provide free education, combat HIV/AIDS and malaria, promote gender equality, and eradicate poverty. It encouraged Swaziland to seek technical assistance from OHCHR.

89. The Philippines commended Swaziland for the establishment of the Human Rights Commission. It was concerned about the continuing lack of safe drinking water and persistent poverty. It urged Swaziland to address concerns about the lack of access to education for both boys and girls.

90. Portugal congratulated Swaziland on the ratification of several key human rights instruments since the first review. It was concerned about reports of restrictions on freedom of expression in Swaziland.

91. The Republic of Korea noted progress since the first review, in particular the ratification of the Convention on the Rights of Persons with Disabilities, the enactment of the Child Welfare and Protection Act and the implementation of the free primary education programme.

92. Senegal noted the ratification of several international human rights instruments and welcomed the decision to strengthen the resources of the Commission on Human Rights. It invited the international community to provide technical and financial assistance to Swaziland for the implementation of the recommendations.

93. Sierra Leone noted with satisfaction that a de facto moratorium on executions had been in place for over a decade and urged Swaziland to consider abolishing the practice. It also urged the country to establish awareness-raising campaigns concerning the rights of persons with albinism.

94. Slovenia noted the ratification of some key human rights instruments since the first review, but regretted that Swaziland had decided not to ratify the Rome Statute of the International Criminal Court after accepting its recommendation in the first review to do so.

95. South Africa commended Swaziland for the ratification of key human rights instruments, the creation of key human rights institutions and the elevation of the Gender and Family Issues Unit to part of the Office of the Deputy Prime Minster.

96. Spain welcomed the advances made by Swaziland in the fields of education and health, in particular the plans for combating HIV/AIDS and the expansion of health facilities. It also welcomed the existence of a national plan on gender.

97. The Sudan applauded the efforts made by Swaziland to strengthen the protection of human rights in fields such as elections and combating HIV/AIDS, as well as its recent ratification of a large number of international human rights instruments.

98. Togo highly appreciated the engagement of Swaziland with civil society on human rights. It took note of the determination of Swaziland to submit reports to the treaty bodies. It welcomed the recent ratifications and the Sexual Offences and Domestic Violence Bill.

99. Turkey noted the efforts by Swaziland since the first review, including the ratification of human rights instruments. It appreciated the efforts in the fields of health and primary education. It encouraged the Government to strengthen efforts for the protection and promotion of women's rights.

100. Uganda commended the efforts of Swaziland and urged it to expedite implementation of the previous recommendations regarding the national human rights action plan and its capacity to report to the treaty bodies. It noted that women were often subject to discrimination and harmful practices.

101. Ukraine noted the efforts of Swaziland since the first review, particularly the ratification of several instruments. It observed that many significant challenges remained in the areas of violence against women and children, health care and torture and ill-treatment.

102. The United Kingdom encouraged the Government, inter alia, to ensure that the rights to freedom of association and assembly were protected and to amend legislation to ensure that the Basic Principles on the Independence of the Judiciary were adhered to.

103. The United States of America was deeply concerned about the suppression of the exercise of freedom of association and peaceful assembly. It looked forward to additional reforms relating to trade unions to allow full enjoyment of the right to freedom of association and the right to collective bargaining.

104. The delegation clarified, with regard to the issue of migrant labour, that Swaziland did not have a problem with migrant labour. However, some persons who had originally applied for refugee status had subsequently decided to stay and work in the country.

105. With regard to discrimination against persons with albinism, the delegation recalled that the Constitution guaranteed the principle of non-discrimination and that Swaziland was an inclusive society. The delegation indicated that an incident had occurred in 2010 and that, in response, the Prime Minister had issued a statement condemning the attack and assuring Swazi society of the protection of persons with albinism. The Government was collecting data so as to develop a response to protect persons from that group. It had also been in contact with the Independent Expert on the enjoyment of human rights by persons with albinism to invite her to visit the country and would welcome international assistance on that issue.

106. In conclusion, the delegation expressed appreciation for the manner in which the session had been conducted, as well as its gratitude to the member States for their interventions.

II. Conclusions and/or recommendations**

107. **The recommendations formulated during the interactive dialogue/listed below have been examined by Swaziland and enjoy the support of Swaziland:**

107.1 **Undertake reforms with a view to bringing national legislation in line with ratified international human rights instruments (Guatemala);**

107.2 **Undertake a comprehensive reform to harmonize its domestic legal system with its Constitution and the international instruments to which it is party (Honduras);**

107.3 **Revise national legislation with a view to ensuring its conformity with the Constitution and with the international human rights obligations of Swaziland (Egypt);**

** The conclusions and recommendations have not been edited.

107.4 Pursue efforts to ensure the smooth functioning and full independence of the Human Rights Commission, in conformity with the Paris Principles (France);

107.5 Strengthen the structures of the human rights commission in order to bring it to full compliance with the Paris Principles and operationalize the anti-corruption commission (Morocco);

107.6 Adopt appropriate legislation to render the Commission of human rights and public administration (HRPAC) fully operational, as well as to strengthen its capacities, and to allocate the necessary financial resources so that it is in full compliance with the Paris Principles as a national human rights institution (Mauritania);

107.7 Provide necessary budgetary and trained human resources to the Commission on Human Rights and Public Administration to empower it to carry out its mandate of advocacy and protection of human rights (Mauritius);

107.8 Strengthen national institutions established to protect democracy and human rights and fight corruption (Sudan);

107.9 Strengthen the programmes of the national policy for childhood (Sudan);

107.10 Expedite implementation of the National Disaster Management Act (Maldives);

107.11 Strengthen the National Disaster Management Authority in the country (South Africa);

107.12 Reinforce its campaign to raise awareness of human rights issues through the media, at the school level, in youth forums and in community activities (Mauritius);

107.13 Establish a national strategy for human rights education and training (Morocco);

107.14 Continue working to ensure that human rights training is carried out more systematically and made available to all relevant interested parties, including the army and prison staff (Cuba);

107.15 Consider establishing a permanent interministerial committee responsible for the implementation of its international human rights obligations, inter alia, for coordinating the drafting of the national reports to the treaty bodies and for organizing country visits by the Council's special procedures (Portugal);

107.16 Work in close collaboration with civil society organizations so as to implement all of the recommendations accepted during the universal periodic review (Haiti);

107.17 Submit overdue reports to treaty bodies (Ghana);

107.18 Submit overdue reports to the relevant treaty bodies (Sierra Leone);

107.19 Submit its report to the Human Rights Committee (Kenya);

107.20 Take all necessary measures to end discrimination and violence against women and girls (Cyprus);

107.21 **Step up work to combat stigmatization, discrimination, inequality and gender-based violence in the national legislation and policy of Swaziland (Mexico);**

107.22 **Implement strategies in combating gender inequality, as well as discriminatory practices against women, and strengthen the Gender and Family Issues Unit within the Office of the Deputy Prime Minister in both human and financial terms (Turkey);**

107.23 **Continue to promote women empowerment (Pakistan);**

107.24 **Work further to promote the rights of women and girls (Senegal);**

107.25 **Abolish laws and practices that encourage discrimination and violence against women and girls (Panama);**

107.26 **Carry out reforms to ensure equality for women and prevent their discrimination in law and practice (Uganda);**

107.27 **Adopt a broad definition of discrimination against women in line with the Convention on the Elimination of All Forms of Discrimination against Women (Honduras);**

107.28 **Continue efforts in implementing the Convention on the Elimination of Discrimination against Women and to align all laws and policies with the principles of gender equality and non-discrimination as set out in the Convention on the Elimination of All Forms of Discrimination against Women (Indonesia);**

107.29 **Take action to align all laws and policies with the principle of equality and non-discrimination as stated in the Constitution and in accordance with Convention on the Elimination of All Forms of Discrimination against Women (Uganda);**

107.30 **Enact legislation to protect equality of rights for women in line with the Convention on the Elimination of All Forms of Discrimination against Women (United Kingdom of Great Britain and Northern Ireland);**

107.31 **Abrogate the domestic legislative and regulatory provisions that discriminate against women and children (Ukraine);**

107.32 **Strengthen legislation and policies on gender equality as well as the prevention and repression of gender-based violence (Côte d'Ivoire);**

107.33 **Take legal and practical measures that guarantee women equality in the acquisition of land, in access to the means of production and in political representation (Spain);**

107.34 **Take necessary steps to prevent torture and other human rights violations by law enforcement and security services, in accordance with Swaziland's obligations under the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, including by ensuring impartial investigations of all allegations, prosecuting perpetrators, and implementing human rights training programs (Canada);**

107.35 **Combat various forms of violence against women (Egypt);**

107.36 **Enact into law the "Sexual Offences and Domestic Violence Bill" without further delay (Germany);**

107.37 Take the measures necessary to accelerate the enactment of the bill on sexual offences and domestic violence (Panama);

107.38 Urgently enact the Sexual Offences and Domestic Violence Bill, and ensure that all domestic legislation is brought into conformity with the country's commitments under the Convention on the Elimination of All Forms of Discrimination against Women (Norway);

107.39 Accelerate the Parliamentary adoption procedure of the reform Sexual Offences and Domestic Violence Bill (Togo);

107.40 Quickly pass pending legislation related to the protection of women and children including the Sexual Offences and Domestic Violence Bill and the Draft Land Policy (United States of America);

107.41 Adopt the Sexual Offences and Domestic Violence Bill especially to protect women from gender-based violence (Namibia);

107.42 Enact and implement laws on sexual offences and violence to address high rates of sexual and gender-based violence (Botswana);

107.43 Adopt measures to prevent and eliminate all abuses of sexual violence against girls and women and ensure that perpetrators are adequately punished (Turkey);

107.44 Adopt a new comprehensive legislation to prevent and combat all forms of discrimination and violence against women (Italy);

107.45 Encourage reporting of cases of domestic and sexual violence against women and girls, and ensure that complaints are investigated and the perpetrators are punished with penalties proportional to the seriousness of the offence, ending the culture of impunity (Uruguay);

107.46 Strengthen policies on violence against women by means of effective complaint mechanisms and legal and social counselling (Brazil);

107.47 Apply effectively all protection measures provided for in the Law on the Welfare and Protection of Children (Cabo Verde);

107.48 Take concrete measures towards protecting children from sexual exploitation, including violence against girls with albinism, through law enforcement and appropriate sanctions, and active awareness campaigns and partnerships with local communities to combat impunity (Malaysia);

107.49 Strengthen constitutional protections that ensure the independence of the judiciary and Parliament (South Africa);

107.50 Intensify the reform of the judicial system, in particular the plan of access to justice and its independence and impartiality (Cabo Verde);

107.51 Take effective measures to guarantee the impartiality and independence of the judiciary, in accordance with Swaziland's international commitments and obligations, including the United Nations Basic Principles on the Independence of the Judiciary and the International Covenant on Civil and Political Rights (Canada);

107.52 Adopt measures to safeguard the independence of the judiciary in line with the provisions of the United Nations Basic Principles on the Independence of the Judiciary (Mexico);

107.53 **Strengthen the independence of the judiciary in line with the United Nations Basic Principles on the Independence of the Judiciary (Czech Republic);**

107.54 **Ensure the functioning juvenile justice system throughout the country and raise the age of criminal responsibility that comply with the acceptable international standards, as previously recommended (Slovenia);**[1]

107.55 **Strengthen the right to freedom of expression and peaceful assembly (Algeria);**

107.56 **Review the Suppression of Terrorism Act and Sedition and Subversive Activities Act so that they do not impede the right to freedom of expression as guaranteed under the International Covenant on Civil and Political Rights and are fully aligned with the Constitution of Swaziland and contain safeguards against any arbitrary abuse directed against dissent or criticism of the authorities or the Government (Czech Republic);**

107.57 **Amend the Suppression of Terrorism Act of 2008 and the Sedition and Subversive Activities Act of 1938 to guarantee the freedoms of expression, association and assembly (Spain);**

107.58 **Ensure that freedoms of association and peaceful assembly are respected and protected, including by repealing or amending the Suppression of Terrorism Act of 2008 and the Public Order Act (United States of America);**

107.59 **Guarantee freedom of peaceful assembly and association by implementing the new Public Order Bill (Haiti);**

107.60 **Align national legislation with the international standards to guarantee freedom of assembly and association; in particular as regards the notification of the organization of peaceful assemblies (Kenya);**

107.61 **Ensure the compatibility of national legislation with international human rights standards in order to guarantee freedom of assembly and association (Ukraine);**

107.62 **Continue to promote its successful policies, mainly in the field of economic, social and cultural rights, in order to further increase the quality of life of its people, particularly the most vulnerable sectors of the population (Bolivarian Republic of Venezuela);**

107.63 **Continue to take actions to eradicate poverty and reduce the disparities between rural and urban communities through providing the basic necessities, quality education, health services, and the creation of jobs and income-generating opportunities for all (Malaysia);**

107.64 **Significantly increase spending for potable water supply and sanitation projects, especially in rural areas, up to a value close to 0.5. per cent of gross domestic product (Spain);**

107.65 **Step up the fight against communicable and non-communicable diseases, with a view to lowering the particularly high mortality rate (Congo);**

[1] The recommendation as read during the interactive dialogue: "Reiterate recommendation 76.38 from the first cycle" (Slovenia).

107.66 Strengthen measures to prevent and reduce the prevalence of HIV/AIDS (Angola);

107.67 Redouble its efforts on HIV/AIDS response, particularly on prevention strategies, and take steps to address discrimination against persons living with HIV/AIDS (Ghana);

107.68 Continue efforts to combat HIV/AIDS through the National Parliament Strategy on HIV/AIDS for 2016-2021 (Libya);

107.69 Continue to implement the adopted HIV/AIDS response strategies, with a view to further reducing new infections (Turkey);

107.70 Expedite the implementation of the Extended National Strategic Framework on HIV/AIDS that was adopted in 2014 (Uganda);

107.71 Provide follow-up to the expanded strategic framework for national action against HIV/AIDS (Equatorial Guinea);

107.72 Further intensify efforts in fighting HIV/AIDS (Ukraine);

107.73 Give emphasis on allocating adequate National Funding for the response of the HIV/AIDS problems to implement all required actions in the country (Ethiopia);

107.74 Pursue national efforts to reduce the rate of maternal and infant mortality (Egypt);

107.75 Step up efforts to pursue the right to education for all, particularly in the realization of the right to education for girls (Indonesia);

107.76 Continue to provide access to education to children (Pakistan);

107.77 Continue to implement measures to improve and facilitate access to education (Angola);

107.78 Take the necessary steps to improve access to education at all levels (Armenia);

107.79 Redouble efforts for the full realization of the "Education for All" policy (Burundi);

107.80 Improve school enrolment rates by removing all obstacles to access to primary education (Congo);

107.81 Further continue efforts to remove all barriers to access primary education (Ethiopia);

107.82 Overcome the challenges and constraints in the free primary education programme, particularly the social factors that limit enrolment for primary education and shortage of appropriately qualified teachers (Nigeria);

107.83 Give priority to the objective of attaining an inclusive and equitable education system that affords all citizens of the country access to high quality free primary education (Cuba);

107.84 Eliminate factors preventing boys and girls from enjoying secondary school education and reduce the dropout of school rate (Turkey);

107.85 Strengthen the framework of the "Support Program for Teaching and Learning" to reduce inequalities between rural and urban areas (Equatorial Guinea);

107.86 Put in place protection measures that would allow the reintegration of teenagers into the education system after having given birth (Djibouti);

107.87 Continue to promote its successful programmes to implement the Convention on the Rights of Persons with Disabilities (Bolivarian Republic of Venezuela);

107.88 Put in place relevant laws that prohibit discrimination in employment against persons with disabilities and provide access to health care and other services for disabled persons (Uganda).

108. The following enjoy the support of Swaziland, which considers that they are already implemented or in the process of implementation:

108.1 Ratify the Convention on the Elimination of All Forms of Discrimination against Women (Kenya);

108.2 Accelerate the process of ratifying the Convention against Torture through its legislature (Nigeria);

108.3 Continue to strengthen the rights of women, particularly in relation to the equal pay issue (Sudan);

108.4 Prohibit discrimination on the basis of sexual orientation and gender identity, particularly concerning the enjoyment of the right to health (Slovenia);

108.5 Ensure and guarantee non-discriminatory access to health services, education, justice and employment for all persons, irrespective of their actual or perceived sexual orientation or gender identity (Spain);

108.6 Repeal or amend the Suppression of Terrorism Act of 2008 with a view to bringing it in line with international human rights obligations (Germany);

108.7 Take urgent steps to bring the Suppression of Terrorism Act 2008 in line with the Constitution (United Kingdom of Great Britain and Northern Ireland).

109 The following recommendations will be examined by Swaziland, which will provide responses in due time, but no later than the thirty-third session of the Human Rights Council, in September 2016:

109.1 Consider ratifying the human rights conventions that the country has not yet acceded to (Côte d'Ivoire);

109.2 Consider ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, with a view to a de jure abolishing of the death penalty (Namibia);

109.3 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Uruguay); ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Germany);

109.4 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);

109.5 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and abolish the death penalty (Panama);**

109.6 **Establish a formal moratorium on the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, with a view to abolishing the death penalty both in practice and in law (Portugal);**

109.7 **Undertake all the necessary legislative and Constitutional reforms to abolish the death penalty and accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights (Mexico);**

109.8 **Establish a formal moratorium on the death penalty with a view to abolishing the death penalty and ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Australia);**

109.9 **Sign and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Turkey);**

109.10 **Accede to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Togo);**

109.11 **Consider ratifying the Optional Protocols to the Convention against Torture, Convention on the Elimination of Discrimination against Women and the Convention on the Rights of the Child (Philippines);**

109.12 **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (South Africa);**

109.13 **Ratify the Optional Protocol to the Convention against Torture (Kenya); ratify the Optional Protocol to the Convention against Torture (Uruguay); ratify the Optional Protocol to the Convention against Torture (Honduras); ratify the Optional Protocol to the Convention against Torture (Guatemala); ratify the Optional Protocol to the Convention against Torture (Czech Republic); ratify the Optional Protocol to the Convention against Torture (South Africa); ratify the Optional Protocol to the Convention against Torture (Slovenia);**

109.14 **Intensify its efforts to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark);**

109.15 **Accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Togo); accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (France);**

109.16 **Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Philippines);**

109.17 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Guatemala); ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Uruguay); ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Honduras); ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their**

Families (Cabo Verde); ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Congo);

109.18 **Accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Indonesia);**

109.19 **Ratify and accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Sierra Leone);**

109.20 **Accede to regional and international treaties to which it is not party, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, and include the provisions of these instruments in its domestic legislation (Madagascar);**

109.21 **Ratify and accede to the International Convention for the Protection of All Persons from Enforced Disappearance (Sierra Leone);**

109.22 **Continue to accede to the main international human rights instruments to which it is not yet a party, in particular the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);**

109.23 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, signed in 2007 (France);**

109.24 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Cabo Verde); ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Honduras);**

109.25 **Accede to the International Convention for the Protection of All Persons from Enforced Disappearance (Nigeria);**

109.26 **Accede to the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);**

109.27 **Ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of ILO (Honduras);**

109.28 **Repeal discriminatory provisions in the Constitution and Citizenship Acts (Ghana);**

109.29 **Take new measures to put an end to cultural practices that discriminate against children with disabilities, women and all persons living with HIV/AIDS (Haiti);**

109.30 **Repeal without delay all legal and regulatory provisions that are not in conformity with the Convention on the Elimination of All Forms of Discrimination against Women, ratified by Swaziland in 2004, and actively combat violence and discrimination against women (France);**

109.31 **Align national laws in accordance with the principles outlined in the Convention on the Elimination of All Forms of Discrimination against Women to address women's rights, which include land acquisition, equality and citizenship of children (Botswana);**

109.32 **Enact legislation to ensure the ability of all Swazi citizens, regardless of their sex, to confer citizenship upon their children (Australia);**

109.33 Consider amending its domestic laws to grant women equal rights with men with regard to transmission of their nationality to their children (Republic of Korea);

109.34 Modify articles 43 and 44 of the Constitution so that Swazi women, in the same way as men, can transmit their nationality to their children and their foreign spouses (Djibouti);

109.35 Modify its national laws to ensure that mothers can pass on nationality to their offspring regardless of the nationality of the father (Sierra Leone);

109.36 Amend legislation that denies Swazi citizenship to children born of foreign fathers (Honduras);

109.37 Abolish the death penalty, as previously recommended (Slovenia);

109.38 Formally establish a moratorium on the application of the death penalty, as a first step towards its definitive abolition (France);

109.39 Consider establishing a de jure moratorium on capital executions with a view to fully abolishing the death penalty (Italy);

109.40 Create a national registry of persons with albinism to prevent the killing of women and girls with albinism that are used for rituals (Uruguay);

109.41 Prohibit traditional practices that endanger the physical and psychological integrity of women, such as those affecting women and girls with albinism (Argentina);

109.42 Protect persons with albinism against ritual crimes more effectively (Senegal);

109.43 Thoroughly investigate and prosecute incidents of violence perpetuated against persons with albinism (Sierra Leone);

109.44 Adopt measures for providing protection to women and girls with albinism, including by effectively investigating all instances of violence against them, and by prosecuting and punishing the perpetrators appropriately (Slovenia);

109.45 Adopt specific legislation criminalizing torture (Brazil);

109.46 Criminalize torture and ensure impartial and effective investigations related to allegations of torture and punish the perpetrators of acts of torture (Togo);

109.47 Implement measures to improve prison conditions (Angola);

109.48 Take immediate and effective measures to bring conditions at all detention facilities into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Canada);

109.49 Take immediate action to align all domestic laws and pending legislation with the Convention on the Elimination of All Forms of Discrimination against Women, adopt without further delay the Bill on Sexual Offences and Domestic violence, and take all necessary measures to abolish traditional practices that are harmful to women and girls (Latvia);

109.50 Strengthen measures to combat gender-based violence and gender inequality in practice, motivated by discriminatory traditional practices (Algeria);

109.51 Enact legislation to ensure women and girls' rights are protected, including legislation banning early and forced marriages (Australia);

109.52 Ban early and/or forced marriages (Chad);

109.53 Take effective legal steps to eliminate child and forced marriage (Ghana);

109.54 Take concrete measures to prohibit and eliminate child or forced marriage (Panama);

109.55 Take action to ensure that the legal age of marriage of 18 years is enforced nationwide for both boys and girls (Maldives);

109.56 Raise the legal minimum age of marriage to 18 years for girls (Sierra Leone);

109.57 Protect girls from early or forced marriage both in law and in practice (Spain);

109.58 Take appropriate measures to prohibit corporal punishment in all settings (Montenegro);

109.59 Take the necessary steps to combat and eradicate forced labour (Honduras);

109.60 Amend laws and regulations governing the Judicial Service Commission, including by removing the Crown's control over the Commission's composition (United States of America);

109.61 Guarantee respect for civil and political rights, in particular freedom of expression and freedom of association, and take the necessary measures so that journalists, human rights defenders and members of all political parties can exercise their activities freely (France);

109.62 Remove all restrictions, in law and practice, which prevent the full enjoyment of the right to freedom of expression, association and assembly, and create an enabling environment for civil society in line with its previous universal periodic review engagements (Latvia);

109.63 Ensure unhindered enjoyment of the right to freedom of expression and an enabling environment, where members of civil society are not prohibited from exercising their rights to freedom of peaceful assembly and association, in accordance with the principles of democracy (this is also in line with international obligations under the International Covenant on Civil and Political Rights, as well as the undertaking made in the 2011 universal periodic review) (Netherlands);

109.64 Fully implement its constitutional provision on freedom of expression and establish a freedom of information law in accordance with international standards (Portugal);

109.65 Remove, in legislation and in practice, all restrictions preventing the full enjoyment of freedom of expression as guaranteed under the International Covenant on Civil and Political Rights and other international documents (Ukraine);

109.66 Repeal laws that restrict civil rights, including the Royal Decree of 1973 and components of the Suppression of Terrorism Act, and develop a legislative framework to protect the rights to freedom of expression, association

and peaceful assembly, including rights related to forming and participating in political parties and civil society organizations (Canada);

109.67 **Adopt all necessary measures to remove the restrictions which prevent the full enjoyment of the right to freedom of expression and association and to amend the "Suppression of Terrorism Act" of 2008 and other relevant legislation in line with international standards (Italy);**

109.68 **Reform the Terrorism Act of 2008 and other security legislation which affect the freedom of expression, association and information, with a view to guaranteeing the full enjoyment of civil and political rights and their conformity with international standards (Mexico);**

109.69 **Fully respect the rights of all citizens to freedom of assembly and association, including by allowing labour, political and civil groups to assemble peacefully, free from Government interference in accordance with international human rights standards (Republic of Korea);**

109.70 **Remove all restrictions, in law and in practice, which prevent the full enjoyment of the right to freedom of association, including associating for the purposes of contesting political power, as guaranteed under the International Covenant on Civil and Political Rights, including by revoking the Royal Decree of 1973 (Norway);**

109.71 **Revise the Constitution, in particular its section 79, and other laws and policies, as necessary, in order to allow the forming of political parties and facilitate and encourage all forms of citizens' participation in political and public life as guaranteed under the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Czech Republic);**

109.72 **Enact legislation enabling political parties to register and contest elections (Australia).**

110. **The recommendations below did not enjoy the support of Swaziland and would thus be noted:**

110.1 **Ratify the Rome Statute of the International Criminal Court (Honduras); ratify the Rome Statute of the International Criminal Court (Czech Republic);**

110.2 **Ratify the Rome Statute of the International Criminal Court (Cyprus);**

110.3 **Ratify the Rome Statute of the International Criminal Court and cooperate fully with that Court (Guatemala);**

110.4 **Accede to regional and international treaties to which it is not party, including the Rome Statute of the International Criminal Court, and include the provisions of these instruments in its domestic legislation (Madagascar);**

110.5 **Accede to the Rome Statute of the International Criminal Court (Italy); accede to the Rome Statute of the International Criminal Court (France);**

110.6 **Accede to and align its national legislation with the Rome Statute of the International Criminal Court and the Agreement on the Privileges and Immunities of the International Criminal Court, including incorporating provisions to cooperate promptly and fully with the International Criminal**

Court, and investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts (Netherlands);

110.7 **Issue a standing invitation to all special procedures (Ghana);**

110.8 **Extend a standing invitation to the United Nations special procedures (Kenya);**

110.9 **Extend a standing invitation to the mandate holders of all special procedures of the Human Rights Council (Republic of Korea);**

110.10 **Extend a standing invitation to all special procedure mandate holders (Latvia);**

110.11 **Address a standing invitation to the special procedures of the Human Rights Council (Madagascar);**

110.12 **Cooperate with the special procedures mandate holders (Chad);**

110.13 **Decriminalize same-sex relations (Slovenia);**

110.14 **Withdraw all criminal charges brought against human rights defenders and political opponents under laws such as the Suppression of Terrorism Act of 2008 and other security legislation, and ensure that proposed amendments to these acts bring them in conformity with international human rights standards (Norway).**

111. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of Swaziland was headed by the Hon. Mr. Edgar Hillary, Minister of Justice and Constitutional Affairs, and composed of the following members:

- H.E. Njabuliso B. Gwebu, Ambassador and Permanent Representative
- Mr. Marwick T. Khumalo; Member of Parliament
- Ms. Lorraine Hlophe; Principal Secretary
- Mr. Sabelo Masuku; Acting Commissioner of Human Rights and Public Administration
- Mr. Mndeni Vilakati, Principal Crown Counsel
- Mr. Bonginkosi Sengwayo, Crown Counsel
- Mr. Mahlaba A. Mamba; Counsellor and Deputy Permanent Representative
- Mr. Alton Lukhele; First Secretary.